



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/035,463

10/18/2001

Jeremy Burr

P-5889-US

3948

49444 7590 10/15/2008
PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY, 12TH FLOOR
NEW YORK, NY 10036

EXAMINER

ISMAIL, SHAWKI SAIIF

ART UNIT

PAPER NUMBER

2455

MAIL DATE

DELIVERY MODE

10/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/035,463	Applicant(s) BURR, JEREMY	
	Examiner SHAWKI S. ISMAIL	Art Unit 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5, 7-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This communication is responsive to the RCE and applicant's amendments received on August 1, 2008.

Claims 1-5, 7-9, 13-14, 17-20, 24,-25 and 28 have been amended.

Claims 6 was previously cancelled

Claims 1-5, and 7-28 are pending further examination.

The New Grounds of Rejection

2. Applicant's amendment and arguments have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, and 7-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ahmed et al.**, (hereinafter referred to as Ahmed) U.S. Patent No. **6,816,460** in view of **Kagan et al.**, (hereinafter referred to as Kagan) et al., U.S. Patent No. **5,618,045**.

5. As to claim 1 and 7, Ahmed teaches a mobile device, comprising:

a processor programmed to establish the mobile ad-hoc network of mobile devices capable of communicating with each other and to construct a routing of only a subset of the mobile devices of the ad-hoc network wherein the processor is able to establish, within said

Art Unit: 2455

mobile ad-hoc network, a sub-network of the mobile devices according to said routing list. (col. 4, lines 9-25, col. 9, lines 1-20).

Ahmed does not explicitly teach a memory to store an installed application software package chosen by a user of the mobile device to be installed on the device, wherein the application software package enables users of a mobile ad-hoc network having the same application software installed on their devices to share and operate the installed application software of each other via the ad-hoc network.

Kagan teaches an interactive multiple player game system including at least two playing devices communicating over an ad-hoc, wireless, all-to-all broadcast network. A playing device includes a processor for running a game scenario common to all of the playing devices within the network, a player controlled interface for enabling a player action within the game scenario, a transmitter for transmitting the player action over the network, a receiver for receiving player actions from other playing devices transmitting over the network, and a display for displaying at least a portion of the game scenario. The interactive multiple player game system can further include a play station device and an interface apparatus for interfacing between the play station device and the playing devices. (see abstract)

Therefore, It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Kagan the invention of Ahmed so that mobile devices that have compatible software application are identified so that communication between them may be established.

6. As to claim 2, Ahmed teaches a mobile device according to claim 1, wherein the application software package comprises a game, the sub-network includes at least a sub-network

Art Unit: 2455

of the game users (refer to Kagan , abstract) and one or more routes to the one or more other mobile devices (see Ahmed, Fig. 1 and 2, col. 4, lines 9-25).

7. As to claim 3, Ahmed teaches a device according to claim 1, comprising:

a routing table stored in the memory, the routing table including the routing list (col. 4, lines 9-25).

8. As to claim 4, Ahmed teaches a mobile device according to claim 3, wherein the routing table is designed to store a route to at least one other reachable device (col. 4, lines 35-45).

9. As to claim 5, Ahmed teaches a mobile device according to claim 1, wherein the receiver is able to receive from a second mobile device another routing of other devices reachable from said second mobile device (col. 4, lines 35-45, col. 6, lines 30-54).

10. As to claims 7-28, they do not teach or define any new limitation above claims 1-5, therefore; they are rejected for similar reasons.

Response to Arguments

11. Applicants' arguments with respect to claims 1-5, and 7-28 have been fully considered but are deemed to be moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2455

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawki S Ismail/
Examiner, Art Unit 2455
October 13, 2008